

## DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS FOR TREATMENT OF RESPIRATORY INFECTIONS BY NITRIC OXIDE INHALATION

the specification of which is attached hereto unless the following box is checked:

was filed on November 22, 1999 as United States Application Number \_\_\_\_\_  
 or PCT International Application Number PCT/CA99/01123  
 and was amended on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed:

<u>Priority Foreign Applications(s)</u>			<u>Priority Claimed</u>	
2 254,645 (Number)	Canada (Country)	23 November 1998 (23/11/1998) (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>Not Applicable</u> (Application Number)	<u>(Filing Date)</u>

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Not Applicable

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

I (we) hereby appoint the following as our representative(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

3 - Philip Rodman (Reg. No. 25,704)  
Charles B. Rodman (Reg. No. 26,798)  
Terrence N. Kuharchuk (Reg. No. 34,999)

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**Philip Rodman or Charles Rodman at (914) 949-7210**

I (we) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor

Chris C. Miller

Inventor's signature



Date

Jan 29, 2001

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Full name of second joint inventor, if any

Second Inventor's signature

Date

Residence

Citizenship

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(F-41A)175-50

[ ] Additional inventors are being named on separately numbered sheets attached hereto.